

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDWARD CARTER, FRANK FIORILLO, KEVIN
LAMM, JOSEPH NOFI AND THOMAS SNYDER,

Case No.: 07-CV 1215 (SJF) (ETB)

Plaintiffs,

-against-

INCORPORATED VILLAGE OF OCEAN BEACH;
MAYOR JOSEPH C. LOEFFLER, JR., individually
and in his official capacity; former mayor NATALIE K.
ROGERS, individually and in her official capacity,
OCEAN BEACH POLICE DEPARTMENT; ACTING
DEPUTY POLICE CHIEF GEORGE B. HESSE,
individually and in his official capacity; SUFFOLK
COUNTY; SUFFOLK COUNTY POLICE
DEPARTMENT; SUFFOLK COUNTY
DEPARTMENT OF CIVIL SERVICE; and ALISON
SANCHEZ, individually and in her official capacity,

Defendants.

----- X
**DECLARATION OF JAMES M. SKELLY
IN FURTHER SUPPORT OF DEFENDANT'S REPLY MEMORANDUM OF LAW**

James M. Skelly, Esq., declares pursuant to the provisions of 28 U.S.C. §1746, as follows:

1. I am a member of **MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.**, attorneys for defendant, **ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE** in this matter. I make this declaration in support of defendant, **ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE**, Reply Memorandum of Law in Further Support of its Motion for Summary Judgment.

2. The purpose of the Declaration is to identify the materials being submitted in support of defendant's reply memorandum, which materials are referred to and discussed therein,

and to attest to the authenticity and correctness of the copies of documents being submitted as exhibits. I have personal knowledge of the documents and underlying facts surrounding said documents as stated herein and could competently testify thereto if called as a witness herein.

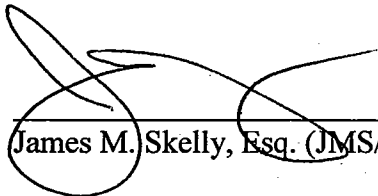
3. Attached hereto and incorporated herein as **Exhibit 1** is the Deposition Transcript of witness Paul Carollo, held on 8-11-09.

4. Attached hereto and incorporated herein as **Exhibit 2** is the Deposition Transcript of witness Christopher James Moran, held on 6-8-09.

5. Attached hereto and incorporated herein as **Exhibit 3** is Sergeant Foster's applicant notes for plaintiff, Frank Fiorillo.

6. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 15th day of January, 2010.


James M. Skelly, Esq. (JMS/4844)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on January 15, 2010, a true and correct copy of the foregoing **DECLARATION OF JAMES M. SKELLY IN FURTHER SUPPORT OF DEFENDANT'S REPLY MEMORANDUM OF LAW**, was served Via Overnight Mail, upon the following:

Andrew Goodstadt, Esq.
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NATALIE K. ROGERS, individually and in her official
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Arlene Zwilling, Esq.
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County Attorney's Office
Attorneys for Defendants
SUFFOLK COUNTY POLICE DEPARTMENT,
SUFFOLK COUNTY DEPARTMENT OF CIVIL
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James M. Skelly (JMS - 4844)

MARKS, O'NEILL, O'BRIEN
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Attorneys for Defendant
ACTING DEPUTY POLICE CHIEF
GEORGE B. HESSE, individually and in his
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530 Saw Mill River Road
Elmsford, New York 10523
(914) 345-3701

Index No. CV 07 1215

RJI No.

Hon.

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EASTERN DISTRICT OF NEW YORK

EDWARD CARTER, FRANK FIORILLO, KEVIN LAMM, JOSEPH NOFI AND THOMAS SNYDER,

Plaintiffs,

-against-

INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity;
former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT;
ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity; SUFFOLK COUNTY;
SUFFOLK COUNTY POLICE DEPARTMENT; SUFFOLK COUNTY DEPARTMENT OF CIVIL SERVICE; and ALISON
SANCHEZ, individually and in her official capacity,,

Defendants.

**DECLARATION OF JAMES M. SKELLY IN FURTHER SUPPORT OF DEFENDANT
GEORGE B. HESSE'S REPLY MEMORANDUM OF LAW WITH ACCOMPANYING
EXHIBITS "1" THROUGH "3"**

MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.

Attorneys for Defendant

ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE,

individually and in his official capacity

Office and Post Office Address, Telephone

530 Saw Mill River Road

Elmsford, New York 10523

(914) 345-3701

To Signature (Rule 130-1.1-a)

Print name beneath

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated,

Attorneys for:

Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

at M

Dated,

Yours, etc.

MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.

Office and Post Office Address

530 Saw Mill River Road

Elmsford, New York 10523

(914) 345-3701